

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA

VS.

ROBERT L. MIHAILOVICH

Defendant.

§
§
§
§
§
§
§

NO. 3-05-CR-0067-N

NO. 3-12-CV-0934-N

RECOMMENDATION REGARDING MOTION TO PROCEED
IN FORMA PAUPERIS ON APPEAL

A Notice of Appeal has been filed in the above captioned action in which:

- () the District Court has entered a final order in a habeas corpus proceeding brought pursuant to 28 U.S.C. § 2254.
(X) the District Court has entered a final order in a proceeding pursuant to 28 U.S.C. § 2255.

Pursuant to Federal Rule of Appellate Procedure 22(b) and 28 U.S.C. § 2253(c), the undersigned Magistrate Judge recommends as follows:

IFP STATUS:

- (X) the party appealing should be GRANTED leave to proceed *in forma pauperis*.
() the party appealing is proceeding *in forma pauperis*.
() the party appealing should be DENIED leave to proceed *in forma pauperis* for the following reason(s):
() the Court recommends that the District Court certify, pursuant to Fed. R. App. P. 24(a) and 28 U.S.C. § 1915(a)(3), that the appeal is not taken in good faith;
() the person appealing is not a pauper because he has paid the appellate filing fee;
() the person appealing has not complied with the requirements of Rule 24 of the Federal Rules of Appellate Procedure and/or 28 U.S.C. § 1915(a)(1) as ordered by the Court. (See Notice of Deficiency and Order entered on _____).
_____).

SIGNED this 3RD day of July, 2012.


JEFF KAPLAN
UNITED STATES MAGISTRATE JUDGE